

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

JUL 7 2008 *new*
7-7-2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Jesse M. Hatch

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

08cv3847
JUDGE COAR
MAG. JUDGE COX

vs.

Case No.: _____

(To be supplied by the Clerk of this Court)

Terry McCann

Deirdre Battaglia

Major Matrisciano

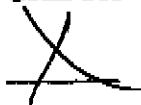
Unknown Mail Room

Supervisor

Roger E. Walker, Jr.

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:



COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION
1983 U.S. Code (state, county, or municipal defendants)



COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION),
TITLE 28 SECTION 1331(a) U.S. Code (federal defendants)

OTHER (cite statute, if known)

42 USC 1997

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

A. Name: Jesse M. HattettB. List all aliases: NoneC. Prisoner identification number: N-32521D. Place of present confinement: Stateville Correctional CenterE. Address: P.O. Box 112, Joliet, IL 60434

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

A. Defendant: TERRY McCANNTitle: WardenPlace of Employment: Stateville Correctional CenterB. Defendant: Deirdre BattagliaTitle: Former WardenPlace of Employment: Stateville Correctional CenterC. Defendant: MAJOR MATRISCIANOTitle: Mail Room SupervisorPlace of Employment: Stateville Correctional Center

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

• II. Defendants.

D. Roger E. Walker, Jr.,
Director of the Illinois Department
of Corrections

E. UNKNOWN MAIL ROOM SUPERVISORS

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES NO If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES NO

C. If your answer is YES:

1. What steps did you take?

Filed grievances on
the institutional level

2. What was the result?

denied

3. If the grievance was not resolved to your satisfaction, did you appeal?

Yes

What was the result (if there was no procedure for appeal, so state.)

Appealed to Administrative Review
Board - grievance appeal denied

D. If your answer is NO, explain why not:

E. Is the grievance procedure now completed? YES (X) NO ()

F. If there is no grievance procedure in the institution, did you complain to authorities? YES () NO () Not Applicable (N/A)

G. If your answer is YES:

1. What steps did you take?

(N/A)

2. What was the result?

(N/A)

H. If your answer is NO, explain why not:

(N/A)

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

A.	Name of case and docket number:	<u>See page 5(a)</u>
B.	Approximate date of filing lawsuit:	
C.	List all plaintiffs (if you had co-plaintiffs), including any aliases:	
D.	List all defendants:	
E.	Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county):	
F.	Name of judge to whom case was assigned:	
G.	Basic claim made:	
H.	Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?):	
H.	Approximate date of disposition:	

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV.

I have filed numerous lawsuits over the past 25 years. Unfortunately, I do not have the relevant information requested by this Section IV, due to prison officials restriction of personal property. However, many of these lawsuits were filed in the U.S. District Courts for the Northern, Central, and Southern Districts of Illinois.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

A. On MARCH 22, 2005, I received a letter from my lawyer, the State Appellate Defender, that was clearly marked as "Legal Mail," and was opened by mail room STAFF outside my presence. Illinois Department of Corrections Rule #525.140(a),(b),(c) sets in place and establishes procedures for the opening and inspection of clearly marked "Legal" and "Privileged" MAIL. Legal and privileged MAIL must be opened in the presence of the inmate. ~~RECORDED~~ ~~OPENED~~ ~~INSPECTED~~ ~~MAILED~~ As stated, the MARCH 22, 2005, letter from the OFFICE OF the State Appellate Defender was opened outside my presence, and Read and inspected. The letter's envelope had written on to it the words: "Opened by mistake - Not Read". A Copy of the envelope is attached.

here to AS Plaintiff's exhibit "B".

B. ON MARCH 31, 2005, I RECEIVED A LETTER FROM JUDGE MARTIN S. AGRAN, OF THE CIRCUIT COURT OF COOK COUNTY, WHICH CAME TO ME OPENED, AND MY BELIEF THAT SUCH LETTER WAS ALSO READ. A COPY OF THE ENVELOPE IS ATTACHED HERETO AS PLAINTIFF'S EXHIBIT "C". ON APRIL 27, 2005, I FILED A WRITTEN GRIEVANCE AND COMPLAINED ABOUT THE TWO INCIDENTS OF OPENING LEGAL MAIL OUTSIDE THE PRESENCE OF THE INMATE. MY GRIEVANCE CLEARLY ALLEGED THE EXISTENCE AND ONGOING POLICY, PRACTICE, AND PROCEDURE BY THE STATEVILLE MAIL ROOM OF ROUTINELY OPENING AND READING MY LEGAL MAIL OUTSIDE MY PRESENCE. A COPY OF THAT GRIEVANCE IS ATTACHED HERETO AS EXHIBIT "D". THE COUNSELOR'S RESPONSE SECTION OF THE GRIEVANCE CONFIRMS AND INDICATES THAT THE MAIL ROOM STAFF INDICATED THAT BOTH ENVELOPES WERE OPENED BY MISTAKE. SEE: EXHIBIT "D".

C. ON JANUARY 11, 2006, I RECEIVED A LARGE ENVELOPE FROM THE STATEVILLE MAIL-ROOM CLEARLY MARKED "ATTORNEYS AT LAW". THE ENVELOPE WAS FROM THE LAW FIRM "PIERCE AND ASSOCIATES", 1 NORTH DEARBORN STREET, CHICAGO ILLINOIS. THE ENVELOPE WAS OPENED OUTSIDE MY PRESENCE, IN VIOLATION OF IDOC RULE #525, 140(a),(b),(c). THE LEGAL BRIEFS CONTAINED INSIDE THE ENVELOPE WERE UN-FASTENED, AND TAKEN APART. I FILED A WRITTEN GRIEVANCE CONCERNING THE LATEST OPENING OF MY LEGAL MAIL ON JANUARY 23, 2006. IN THAT GRIEVANCE, I COMPLAINED ABOUT THE OPENING OF MY LEGAL MAIL IN THE CALENDAR YEAR 2005, AND THAT STATEVILLE HAS A POLICY AND PRACTICE OF OPENING MY CLEARLY MARKED LEGAL MAIL. A COPY OF THIS GRIEVANCE IS ATTACHED HERETO AS PLAINTIFF'S EXHIBIT "E". A COPY OF THE LEGAL ENVELOPE IS ATTACHED HERETO AS PLAINTIFF'S EXHIBIT "F".

The Counselor's Response section of the grievance indicated that the envelope was "probably opened by mistake". See Counselor's Response. An Appeal was taken to the Director, Roger E. WALKER, who denied the grievance, indicating that the mail room STAFF indicated the envelope was opened mistakenly, and advised to examine envelopes more carefully. The Administrative Review Board denied the grievance, and Director WALKER concurred in that decision. A copy of the Administrative Review Board Findings is attached hereto and filed as Plaintiff's Exhibit "G".

D. On May 29, 2007, Counselor Margaret Thompson came to my cell with an envelope from the Illinois House of Representatives, that contained an audio tape recording of House Judicial proceedings. The mail was opened, and post marked February 14, 2007, yet, I did

Not receive the mail and audio tape until three and a half months after it was postmarked. A copy of the envelope is attached hereto as Plaintiff's Exhibit "H". The mail from the Illinois House of Representatives is clearly defined as "privileged" mail, and as such is to be opened in the presence of the inmate. IDOC Rule #525.110(f)(1), and #525.110(g), defines "privileged" and "legal" mail.

On June 6, 2007, I filed a written grievance concerning the opening of Plaintiff's legal mail. I complained of Stateville's continuing policy of opening clearly marked legal mail, and that the mail was postmarked on February 14, 2007, yet, I did not receive the legal mail until 3½ months later. A copy of the grievance is attached hereto as Plaintiff's Exhibit "I".

The Counselor's Response to my grievance indicated that "due to these being requested through FOI request, they are not considered legal mail. Memo Received, tape picked up, then delivered. Counselor Thompson was not notified these were considered legal". See, Counselor's Response.

I forwarded the grievance and the Counselor's response to the Grievance Officer, along with my written letter of July 8, 2007. I argued in my written letter that the Counselor's response to my grievance never addressed the 3½ month delay in receiving my legal mail. I also argued that had not my legal mail been opened, and read, the Counselor would not have known that I used the FOIA to access legislative materials from the Illinois legislature, that is clearly defined as "privileged" mail, and must be opened in the presence of the inmate. A copy of this letter is attached hereto as Plaintiff's Exhibit "J".

Stateville's GRIEVANCE OFFICER Tammy Garcia denied Plaintiff's grievance indicating that because these "were requested through FOI request, they are not considered legal mail". The Grievance Officer reviewed grievance and concurs with counselor's response. In addition, mail is processed as it comes in and there is no malicious intent substantiated ~~in~~ in withholding mail. A copy of the Grievance Officers Report is attached hereto and filed as Plaintiff's Exhibit "K". Warden McCANN concurred with the Grievance Officer, on July 11, 2007. See, Exhibit K.

On August 6, 2007, I appealed the Grievance Office and Warden McCANN's concurrence to the Administrative Review Board and Director Roger J. Walker. In this appeal, I stated that I have had an on going problem with Stateville's mailroom opening

my legal mail. I also stated that the mailroom STAFF Read my legal mail after opening it, to determine and OFFER the excuse that because the mail was in response to a Freedom of Information Request, it was not considered legal. A copy OF my Appeal to the Administrative Review Board is Attached AS Plaintiff's Exhibit "L".

On October 15, 2007, the Administrative Review Board denied my Appeal, and indicated that mail from the Illinois House of Representatives is "privileged" AND NOT legal. The Board Recommended that Warden McCANN is to Reiterate the importance OF timely processing OF mail. A copy OF the ARB's Response which Director Walker concurred with is attached hereto AS Exhibit "M".

E. On October 10, 2007, I received a letter from Presiding Judge, Dorothy Kiri Kinnaind, of the Circuit Court of Cook County. The mail was clearly marked that it was from a Judge, and opened. The mail was opened and read out of my presence in clear violation of IDOC Rule # 525. 140(a), (b), (c). A copy of the envelope is attached hereto as Plaintiff's Exhibit "N".

On October 15, 2007, I filed a written grievance concerning the opening of my legal mail. The ~~Parole Board~~ Counselor's response to my grievance indicated that the mail was mistakenly opened. A copy of the grievance is attached hereto as Plaintiff's Exhibit "O". The grievance was forwarded to the Grievance Officer, and on February 4, 2008, the Grievance Officer Amy Workman denied my grievance. The grievance

Officer stated that the mail was mistakenly opened, and that there was no malicious or deliberate intent to open grievant's legal mail. Warden McCANN concurred in the grievance Officer's denial on February 7, 2008. A copy of the Stateville Grievance Officer's Findings And Warden McCANN's Concurrence is attached hereto as Plaintiff's Exhibit "P."

On May 29, 2008, upon my appeal of this grievance to the Administrative Review Board, and Director Roger E. WALKER, Jr., the grievance appeal was denied. Roger Walker also concurred in that finding. A copy of that the ARB denial is attached hereto as Exhibit "Q".

Legal Claim

A. Defendant's McCANN, Battaglia, MATRISCIANO, AND OTHER UNKNOWN MAIL ROOM SUPERVISORS, OPENED MY CLEARLY MARKED LEGAL AND PRIVILEGED MAIL OUTSIDE MY PRESENCE IN VIOLATION OF CLEARLY ESTABLISHED PRISON RULES, # 525, 140 (A), (B), (C), ON NUMEROUS DATES EVINCING A PATTERN, POLICY, AND CUSTOM TO READ, INSPECT, OR COPY MY LEGAL LETTERS THAT CANNOT BE OPENED OUTSIDE MY PRESENCE IN VIOLATION OF RULE #525, 140 (A), (B) (C); #525. 110 (G); #525. 110 (F) (II).

B. DEFENDANTS' McCANN, Battaglia, MATRISCIANO, AND OTHER UNKNOWN MAIL ROOM SUPERVISORS, DISPLAYED A "CONTINUING" PATTERN OF OPENING MY LEGAL AND PRIVILEGED MAIL IN VIOLATION OF CLEARLY ESTABLISHED PRISON RULES AGAINST SUCH CONDUCT AND PRACTICE

Which violates Plaintiff's due process Rights Under the 14th Amendment to the United States Constitution and Plaintiff's First Amendment Right to communicate With the Courts, Attorneys, And Judges, And legislative members Without prison OFFICIALS practice OF opening, Reading, and/or ~~copying~~ Copying OF such privileged Communications.

C. Defendants MATRISCIANO, the mailroom Supervisor, and other Unknown mail Room Supervisor, Knew that there Are Rules AGAINST opening, inspecting, Reading, AND delaying FOR 3 1/2 months the giving OF Plaintiff his privileged mail FROM State legislators AND the audio tape, in VIOLATION OF Plaintiff's First AND 14th Amendment Rights.

D. Defendants' McCANN,
BATTAGLIA, MATRISCIANO, WALKER,
and UNKNOWN MAILROOM SUPERVISOR

had the power and authority
to prevent the continuing violation
of Plaintiff's 1st and 14th Amendment
Rights to the ~~unlawful~~ opening,
reading, copying, and delay in
delivery of Plaintiff's privileged
MAIL, but refused to do so despite
numerous grievances from Plaintiff,
asking for relief. Defendant's
knew of clearly established PRISON
Rules that forbid Defendant's practice,
policy and custom regarding opening
Plaintiff's legal and privileged mail, but
failed to intervene.

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I Am Seeking injunctive and declaratory relief to stop this practice, and monetary damages.

I declare under penalty of perjury that all facts given in the complaint are true and correct.

Signed this 25th day of June, 2008

Jesse M. Helleb

(Signature of plaintiff or plaintiffs)

N-32521

(I.D. Number)

Post OFFice Box 112
Toliet, IL 60484

(Address)

OFFICE OF THE STATE APPELLATE DEFENDER
FIRST JUDICIAL DISTRICT

203 North LaSalle Street - 24th Floor
Chicago, Illinois 60601



D544
MAR 21 2005

Mr. Jesse M. Hatch
Register No. N-32521
Stateville Correctional Center
P.O. Box 112
Joliet, IL 60434

CONFIDENTIAL
LEGAL MAIL

60034012

Exhibit cc B^u

CIRCUIT COURT OF COOK COUNTY
MARTIN S. AGRAN, JUDGE
CHICAGO, ILLINOIS 60602

D544

Mr. Jesse M. Hatch
Register Number N-32521
Post Office Box 112
Joliet, Illinois 60434

60434-0112

U.S. POSTAGE PAID

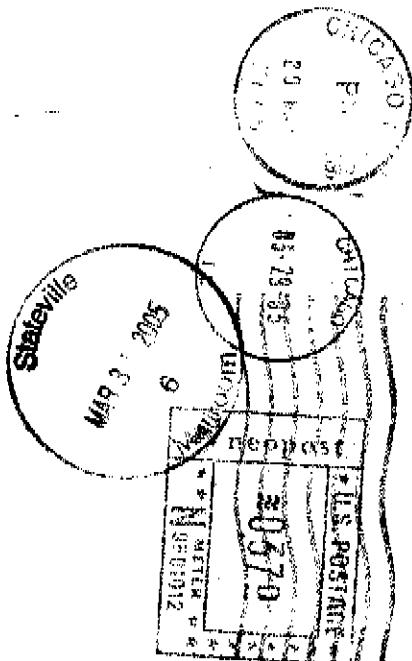


Exhibit "C"

Date: April 27, 2005	Committed Person: (Please Print) Jesse M. Hatch	ID# N-32521
Present Facility: Stateville		Facility where grievance issue occurred: Stateville
NATURE OF GRIEVANCE: <input type="checkbox"/> Personal Property <input checked="" type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Disability <input type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input type="checkbox"/> Medical Treatment <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input type="checkbox"/> Disciplinary Report: _____ Date of Report: _____ Facility where issued: _____		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification. Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shutdown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board, Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: On March 22, 2005, I received X from the Office of the State Appellate Defender, that came to me via regular institutional mail, and not through the legal mail officer. The mail room wrote on the front of the envelope "opened by mistake - not read." A copy of the envelope is attached hereto as Exhibit # 1. Also, on March 31, 2005, I received a letter from Judge Martin S. Agren, the circuit court of Cook County, which also came to me via regular institutional mail. It was opened, and possibly read. A copy of this envelope is attached hereto as Exhibit # 2. This practice, pattern, or policy of the Stateville Mailroom of routinely opening and reading my clearly marked		
Relief Requested: Monetary damages.		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self. <hr/> <div style="display: flex; justify-content: space-between;"> Jesse M. Hatch N-32521 4/27/05 </div> <div style="display: flex; justify-content: space-between; font-size: small;"> Committed Person's Signature ID# Date </div> <p>(Continue on reverse side if necessary)</p>		
<div style="display: flex; justify-content: space-between;"> Date Received: 5/5/05 Counselor's Response (if applicable) </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 15277, Springfield, IL 62704-9277. </div> <p>Response: THIS ISSUE WAS ADDRESSED TO MAIL ROOM STAFF, BOTH ENVELOPES WERE OPENED BY MISTAKE.</p> <hr/> <div style="display: flex; justify-content: space-between;"> S. Bass S. Bass 5/5/05 </div> <div style="display: flex; justify-content: space-between; font-size: small;"> Print Counselor's Name Counselor's Signature Date of Response </div>		
EMERGENCY REVIEW		
<div style="display: flex; justify-content: space-between;"> Date Received: 5/5/05 Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner. </div>		
<div style="display: flex; justify-content: space-between;"> Chief Administrative Officer's Signature Date </div>		

legal mail continues to be in violation of Illinois Department of Corrections Rules regarding the opening of legal mail in the presence of the inmate, and it is not to be read under any circumstances. By opening my legal mail outside my presence, I can only assume that my legal mail has been read outside my presence. This continues to be ongoing problem where on two other separate occasions my legal mail has been opened outside my presence and read. Those two separate grievances are now pending before the Grievance Officer at Stateville. Because this problem of opening and reading my legal mail continues to exist after despite grievances on the matter, I can only believe that such practice is the policy and custom of Stateville and that legal action is the only way to prevent Stateville Officials from opening and reading my legal mail outside my presence. My First Amendment right to unfettered access to the courts is being violated by opening "privileged" communication from the courts.

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE

Date: January 23, 06	Offender: (Please Print) Jesse M. Hatch	ID# N-32521
Present Facility: Stateville		Facility where grievance issue occurred: Stateville
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property <input checked="" type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Disability <input type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input type="checkbox"/> Medical Treatment <input type="checkbox"/> HIPAA <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input type="checkbox"/> Other _____ <input type="checkbox"/> Disciplinary Report: / / Date of Report Facility where issued		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification. Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: On January 11, 2006, I received an envelope from the prison mailroom that was clearly marked from attorneys at law. The envelope did not come to me by the legal mail officer, but, rather the regular mail. The envelope was clearly opened, and the legal briefs contained therein were taken apart where they had originally been fastened together by plastic fasteners. This is not the first time that I have had my legal mail be sent to me opened, and not by the legal mail officer. During the calendar year 2005, I have had several legal letters from attorneys and State court judges clearly marked as legal mail come to me opened outside of my presence. This		
Relief Requested: Compensation of \$5000.00 for opening clearly marked legal mail.		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
Offender's Signature		ID# / / Date
(Continue on reverse side if necessary)		
Counselor's Response (if applicable) Date Received: 1/25/06 <input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277 Response: Mailroom states envelope was probably opened mistakenly due to small lettering. Mailroom staff has been advised to examine envelopes more carefully. M. Thompson M. Thompson 2/14/06 Print Counselor's Name Counselor's Signature Date of Response		

EMERGENCY REVIEW

Date Received: / /	Is this determined to be of an emergency nature?	<input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
Chief Administrative Officer's Signature		Date

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE (Continued)

practice clearly offends Illinois Department of Corrections

Rule 525.140(a)(b)(c), where the legal mail was clearly marked as such, yet still opened outside my presence. Further, the mail was received at the institution on January 6, 2006, yet I did not receive this legal mail until January 11, 2006. This is clear violation of Department Rule 525.120(a) that "[m]ail shall be delivered and posted promptly." Receiving legal mail 5 days after it arrives at the institution is not receiving such legal mail promptly, or delivered promptly. I have attached copies of the legal envelope, front and back to verify this claim.

Exhibit "F"

Jesse Hatch
Registration Number N-32521
P.O. Box 112
Joliet, IL 60434





Exhibit "G"

Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

1301 Concordia Court / P.O. Box 19277 / Springfield, IL 62794-9277 / Telephone: (217) 522-2686 / TDD: (800) 526-0844

June 23, 2006

Jesse Hatch
Register No. N32521
Stateville Correctional Center

Dear Mr. Hatch:

This is in response to your grievance received on May 8, 2006, regarding Mailroom (Legal Mail Opened Prior to Delivery 1/11/06) and (Legal Mail Received at Facility 1/6/06 and Delivered 1/11/06), which were alleged to have occurred at Stateville Correctional Center. This office has determined the issues will be addressed without a formal hearing.

This office has reviewed your written grievance dated January 23, 2006 regarding the above issues.

The Grievance officer's report (0337) and subsequent recommendation dated April 3, 2006 and approval by the Chief Administrative Officer on April 11, 2006 have been reviewed.

Per the Grievance officer's report, Mailroom Staff advised that the envelope was mistakenly opened and staff have been advised to examine envelopes more carefully.

This office reviewed the documentation (photocopy of envelope) submitted by Offender Hatch and notes that while the return address does state "Attorneys at Law", "Legal Mail" is not marked on the envelope, which assists staff in clearly identifying such mail during the volume of mail intake. Additionally, Department Rule 525 incorporates "legal" mail also as privileged mail. Incoming "privileged" mail must be *clearly* marked as such, and it *may* be opened in the presence of the offender to inspect for contraband. This may account for the papers having been allegedly separated.

Based on a total review of all available information, it is the opinion of this office that the issue was appropriately addressed by the institutional administration. It is, therefore, recommended the grievance and relief requested of \$5000.00 be denied; as this office cannot substantiate that staff intentionally opened legal-mail. Also, Mailroom Staff have already advised the Grievance Officer that staff have been advised to watch mail more closely. Furthermore, Offender Hatch has failed to demonstrate any true violations of rights or damages incurred by this event.

FOR THE BOARD:

Sherry Benton
Sherry Benton
Administrative Review Board
Office of Inmate Issues

CONCURRED:

Roger E. Walker Jr.
Roger E. Walker Jr.
Director

cc: Warden Deirdre Battaglia, Stateville Correctional Center
Jesse Hatch, Register No. N32521



OFFICE OF THE CLERK

ILLINOIS HOUSE OF REPRESENTATIVES
ROOM 402 STATE CAPITOL, SPRINGFIELD, ILLINOIS 62706

MARK MAHONEY
CHIEF CLERK
BRADLEY S. BOLIN
ASST. CHIEF CLERK

Jesse M. Hatch
Register Number N-32521
Post Office Box 112
Joliet, Illinois 60434

D 6/30

Exhibit H

Date: June 6, 07	Offender: (Please Print) Jesse M. Hatch	ID#: N-32521
Present Facility: Stateville		Facility where grievance issue occurred: Stateville
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property <input checked="" type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input type="checkbox"/> Medical Treatment <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input type="checkbox"/> Disciplinary Report: _____ / _____ / _____ Date of Report		
<input type="checkbox"/> Disability Received <input type="checkbox"/> HIPAA Grievance Office <input type="checkbox"/> Other _____ <p style="text-align: right;">JUL 11 2007 SMP</p>		
<small>Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.</small> Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: On May 29, 2007, Counselor M. Thompson, came to my cell with an envelope from the Illinois House of Representatives, that contained an audio cassette tape recording of House Judicial Proceedings. The mail was post marked February 14, 2007, however, I did not receive the mail until 3 and a half months after it was mailed to me. I have attached a copy of the envelope hereto. Also, the mail did not come to me by the legal mail officer. The mail was clearly marked from the Illinois House of Representatives, and was clearly "legal mail" as defined by 20 Ill. Admin. Code, §525.110(f)(1); and §525.110(g), and opened outside my presence. I have received other mail from the Illinois House of Representatives, that		
Relief Requested: Monetary damages for the delay in delivering mail, and the opening of legal mail.		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.  Offender's Signature N32521 6/6/07 Date		
<small>(Continue on reverse side if necessary)</small>		
Counselor's Response (if applicable)		
Date Received: 6/7/07	<input checked="" type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62704-9277.	
Response: Due to these being requested through FOI request, they are not considered legal mail. Memo received, tape picked up, then delivered. Counselor Thompson was not notified. These were considered "legal."		
Shirley J. Roberts Print Counselor's Name	 Counselor's Signature	06/15/2007 Date of Response
EMERGENCY REVIEW		
Date Received: / /	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.	
Chief Administrative Officer's Signature		Date

was treated as legal mail and not opened outside my presence. See, the attached legal mail receipt, attached hereto. As the attached legal mail receipt shows, as far back as November 20, 2006, mail from the Illinois House of Representatives was received by Stateville's mailroom and treated as legal mail. This grievance attacks Stateville's policy of opening "legal mail" outside my presence in violation of 20 Ill. Admin. Code, §525.110(f)(11); and (2) Stateville's withholding the delivery of legal mail addressed to me for over 3 and a half months.

[Redacted content from page 32 to page 42]

Exhibit J

DATE: July 8, 2007
TO: Stateville Grievance Officer
FROM: Jesse M. Hatch, N-32521
Unit D-536
RE: June 15, 07 Denial Of Grievance

I am grieving the Counselor's Response to my grievance dated June 15, 2007, in which Counselor Shirley Roberts denied my grievance that concerned the opening of legal mail from the Illinois Legislature. Specifically, the Counselor denied my grievance because of what she deemed I was receiving legal document under the Freedom of Information Act, they "...are not considered legal mail." Such a response does not address my grievance. If, the mail was not opened and read to determine that I used the FOIA to get legal materials from the Illinois Legislature, then the Counselor would have no answer for the opening of the legal mail. Also, mail from the Illinois Legislature, the House of Representatives is clearly legal mail, that cannot be opened outside the presence of the inmate.

The Counselor's Response also failed to address the issue of why it took 3 and a half months from the institution receiving the mail, until it was delivered to me. The Counselor gave no explanation to this part of my grievance. It is clear that there is no reasonable explanation for withholding legal mail for over 3 and a half months.

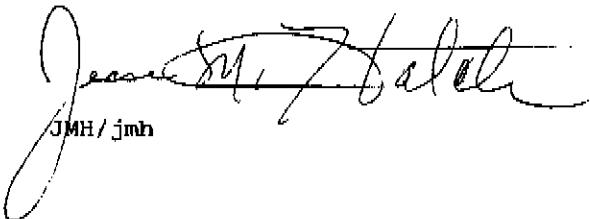

JMH/jmh

Exhibit 1

Grievance Officer's Report		
Date Received: July 11, 2007	Date of Review: July 11, 2007	Grievance # (optional): 0770
Committed Person: Jesse Hatch	ID#: N32521	
Nature of Grievance: Legal Mail		

Facts Reviewed: Grievant alleges his legal mail was delivered as regular mail and took three and a half months to receive it.

Counselor Response: Due to these being requested through FOI request, they are not considered legal mail. Memo received, tape picked up, then delivered. Counselor Thompson was not notified these were considered "legal!"

This Grievance Officer reviewed grievance and concurs with counselor response. In addition, mail is processed as it comes in and there is no malicious intent substantiated in withholding mail.

Recommendation: Grievance denied.

Tammy Garcia	
Print Grievance Officer's Name	Grievance Officer's Signature
(Attach a copy of Committed Person's Grievance, including counselor's response if applicable)	

Chief Administrative Officer's Response		
Data Received: 7-18-07	<input checked="" type="checkbox"/> I concur	<input type="checkbox"/> I do not concur
Comments:	 7-18-07	

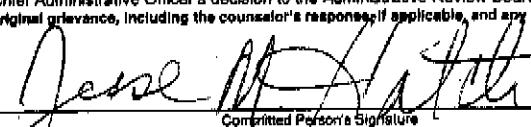
Committed Person's Appeal To The Director		
I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)		
 N32521	ID#	Date
Committed Person's Signature		

Exhibit "L"

Mr. Jesse M. Hatch
Register Number N-32521
Post Office Box 112
Joliet, Illinois 60434

August 06, 2007

Illinois Department Of Corrections
Administrative Review Board
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277

Re: Stateville Grievance #0770

Dear Members Of The Board:

I am appealing the denial of my grievance by Stateville officials regarding the opening of legal mail; and the 3½ months in the delivery of legal mail. The opening of my legal mail has been an ongoing problem here at Stateville, and this is just the latest in these events. The Grievance Officer's response first fails to acknowledge the 3½ month delay in giving me legal mail. Nowhere does the Counselor's Response or the grievance Officer explain why it took 3½ months to deliver my legal mail to me.

The Grievance Officer also tries to explain away why the legal mail from the Illinois House of Representatives, was opened to begin with. Mail from the House of Representatives is clearly defined as "legal mail", and should not have been opened. But, because the mail contained an audio tape of the House of Representatives proceedings, it was opened and withheld for 3½ months. There is no excuse for the mailroom officer to not know that mail from the House of Representatives should not have been opened, as it is legal mail. The Grievance Officer's Response does little to explain why the mail was opened to begin with. It has attempted to state that the mail was in response to a Freedom Of Information request that I made, so therefore the mail was not privileged. This is no answer. First, the mailroom officer would have had to open and read my mail to determine that it was an FOIA request. The fact that the mail was from the House of Representatives was enough to stop mailroom officials from opening and reading the mail to determine that it was in response to my FOIA request. Further, because I have a pending court action regarding the House of Representatives and the subject of the mail and audio tape that was opened and withheld, defines the mail as privileged. Accord, Hatch v. Illinois Secretary of State, et al., No. 07 MR 193, circuit court of Sangamon County.

The mailroom officials have interfered and delayed giving me my legal mail for over 3½ months, and opened and inspected clearly marked legal mail. I am asking for monetary damages in the amount of \$30,000.00 for this clear violation of my right to receive mail.

Sincerely,

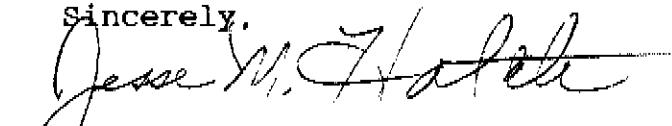

JMH/jmh



Exhibit C M "

Illinois
Department of
Corrections

1301 Concordia Court / P.O. Box 19277 / Springfield IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

October 15, 2007

Jesse Hatch
Register No. N32521
Stateville Correctional Center

Dear Mr. Hatch:

This is in response to your grievance received on August 13, 2007, regarding Mailroom (3 1/2 Month Delay in Mail/Tape Feb 07-May 07), which was alleged to have occurred at Stateville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

The Grievance Officer's report (0770) and subsequent recommendation dated July 11, 2007 and approval by the Chief Administrative Officer on July 18, 2007 have been reviewed.

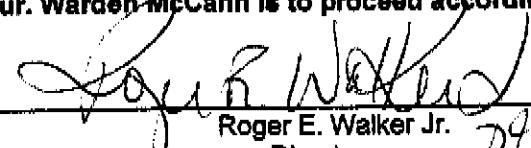
Per Department Rule 525.110 mail from the Illinois House of Representatives is *privileged mail* and not *legal*. Additionally, Hatch states the mail from the Illinois House of Representatives was mailed in February 2007 and received in May 2007. However, the envelope provided as proof of date mailed did not show a date-stamp; therefore, this office cannot substantiate this claim.

Based on a total review of all available information, it is the opinion of this office that the issue was appropriately addressed by the institutional administration. It is, therefore, recommended the grievance be denied. However, Warden McCann is to reiterate to Mailroom Staff the importance of timely processing mail.

FOR THE BOARD:


Sherry Benton
Administrative Review Board
Office of Inmate Issues

I concur. Warden McCann is to proceed accordingly.


Roger E. Walker Jr.
Director

cc: Warden Terry McCann, Stateville Correctional Center
Mailroom, Stateville Correctional Center
Jesse Hatch, Register No. N32521

D 336
State of Illinois
Circuit Court of Cook County
Chancery Division
Dorothy Kline Kinnaird, Presiding Judge
2403 Richard J. Daley Center
Chicago, Illinois 60602

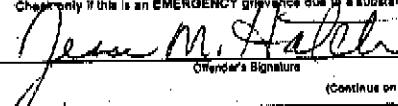
Mr. Jesse M. Hatch
Register Number N-32521
Post Office Box 112
Joliet, IL 60434



Exhibit

"N"

Matthew J. McManamy

Date: Oct. 15, 2007	Offender: (please print) Jesse M. Hatch	ID#: N-32521	
Present Facility: Stateville	Facility where grievance issue occurred: Stateville		
NATURE OF GRIEVANCE:			
<input type="checkbox"/> Personal Property	<input checked="" type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time	<input type="checkbox"/> Disability
<input type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment	<input type="checkbox"/> HIPAA
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input type="checkbox"/> Other (specify): _____	
<input type="checkbox"/> Disciplinary Report: _____ / _____		Facility where issued: _____	0201
<p>Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.</p> <p>Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, Involuntary Administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.</p>			
<p>Brief Summary of Grievance: On October 10, 2007, I received through regular mail a letter clearly marked from Presiding Judge, Dorothy Kiri Kinnard, of the Circuit Court of Cook County, Illinois, 2403 Richard J. Daley Center, Chicago, Illinois, 60602. The mail was opened and inspected and read in violation of Departmental Rule 525.140(a),(b),(c), where such mail was opened outside my presence. This practice of opening my clearly marked legal mail is an ongoing and continuing violation of my right to unfettered access to the court, and to correspond to State court judges without inspection and censoring such communication. This practice of opening and reading my legal mail has been ongoing for several years.</p>			
<p>Relief Requested: Damages of \$5000.00.</p>			
<p><input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.</p>			
 Offender's Signature		N-32521 /D. 15/07 ID# Date	
<small>(Continue on reverse side if necessary)</small>			

Counselor's Response (if applicable)			
Date Received: 10/13/07	<input type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 1227, Springfield, IL 62704-1227.	
<p>Response: This grievance was originally received in a timely manner but misplaced by counselor. Forwarded to mail room for processing & return to counselor 2nd request 1-9-08. Once again, mail was mistakenly opened. MTompson 10/25/08</p>			
Print Counselor's Name	Counselor's Signature	Date of Response	

EMERGENCY REVIEW			
Date Received: / /	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes, expedite emergency grievance <input type="checkbox"/> No, an emergency is not substantiated. Offender should submit this grievance in the normal manner.		
Chief Administrative Officer's Signature		Date	
<small>Distribution: Master File, Offender</small>			
<small>Printed on Recycled Paper</small>			

non
emerg

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE (Continued)

and I have filed several grievances to this effect. Each time the mailroom responds that the mail was "mistakenly opened". I have attached a copy of the legal mail envelope clearly addressed from the Judge, and postmarked October 2, 2007.

[Redacted content occupies the remainder of the page.]

Grievance Officer's Report

Date Received: February 4, 2008

Date of Review: February 4, 2008

Grievance # (optional): 0201

Committed Person: Jesse Hatch

ID#: N32521

Nature of Grievance: Mail Handling

Facts Reviewed: Grievant alleges that his legal mail was opened outside of his presence and inspected. Grievant states that this practice is ongoing and continued violation of his right to unfettered access to the court. Grievant states that this is an ongoing problem for years.

Counselor Response: This grievance was originally received in a timely manner but misplaced by counselor. Forward to mailroom for response and return to counselor. 2nd request 1-4-08, once again, response is: mail was mistakenly opened.

Upon further review from Grievance Office, finds that this officer took the actual envelope to show the mailroom staff and she states that it was mistakenly opened. It appears that there was no malicious or deliberate intent to open grievant's legal mail. Unable to substantiate monetary awards.

Recommendation: Grievance is denied.

Jami Workman

Print Grievance Officer's Name

Jami Workman

Grievance Officer's Signature

(Attach a copy of Committed Person's Grievance, Including counselor's response if applicable)

Chief Administrative Officer's Response

Date Received: *2-7-08*

A

I concur

I do not concur

Remand

Comments:

LL M. Carr

2-7-08

Chief Administrative Officer's Signature

Date

Committed Person's Appeal To The Director

I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)

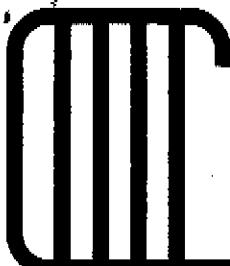
Jesse M. Hatch

N32521 2-13-08

Committed Person's Signature

ID#

Date

Exhibit Q**Illinois
Department of
Corrections**

1301 Concordia Court / P.O. Box 19277 / Springfield IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

Rod R. Blagojevich
Governor**Roger E. Walker Jr.**
Director

May 29, 2008

Jesse Hatch
Register No. N32521
Stateville Correctional Center

Dear Mr. Hatch:

This is in response to your grievance received on February 22, 2008, regarding Mailroom (Staff Opened Legal Mail 10/10/07), which was alleged to have occurred at Stateville Correctional Center. This office has determined the issue will be addressed without a formal hearing.

This office has reviewed your written grievance dated October 15, 2007 regarding the above issue.

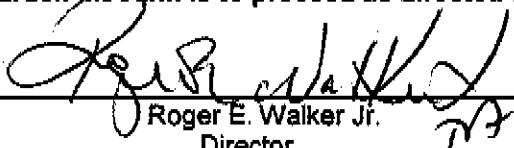
The Grievance Officer's report (0201) and subsequent recommendation dated February 4, 2008 and approval by the Chief Administrative Officer on February 7, 2008 have been reviewed.

Based on a total review of all available information, and in accordance with DR504.850, it is the opinion of this office that the grievance is ruled mixed. While Mailroom Staff advised that the mail was opened by mistake, Warden McCann is to reiterate to Mailroom Staff Department Rule 525 (as it relates to the processing of mail). This office will stress that Legal Mail should not be opened unless in the presence of the receiving offender. Award for monetary damages is denied.

FOR THE BOARD:


Sherry Benton
Administrative Review Board
Office of Inmate Issues

I concur. Warden McCann is to proceed as directed above.


Roger E. Walker Jr.
Director

cc: Warden Terry McCann, Stateville Correctional Center
Mailroom Staff, Stateville Correctional Center
Jesse Hatch, Register No. N32521